THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.4375 of 2007

Between:

Tadaki Manimala.

.. PETITIONER

and

The Deputy Commissioner,
Endowments and others.

..
RESPONDENTS

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ORDER:

Heard both sides.

It is the case of the petitioner that the lease was granted in respect of shop No.4 situated opposite to Sri Satyanarayana Swamy Vratha Mandapam, Yadagirigutta, on a monthly rent of Rs.1,600/- and the lease period was expired on 31-03-2004.

Admittedly, the lease period was already expired and therefore, the petitioner is an encroacher only.

As the petitioner has not vacated the said premises, the 2nd and 3rd respondents preferred O.A.No.81 of 2006 before the 1st respondent under Section 83 of A.P.Hindu Religious and Charitable Endowments and Institutions Act. Accordingly, the 1st respondent issued notice to the petitioner in O.A.No.81 of 2006, dated 11-10-2006, asking the petitioner as to why the said encroachment should not be removed from the shop in question.

It is stated that the said case has been adjourned from time to time and from 28-10-2006 it has been finally posted on 07-03-2007. It is stated that even before final orders have been passed in the said pending O.A.No.81 of 2006 on the file of the 1st respondent, the 4th respondent issued Public Auction Notification on 17-02-2007 for auction of the shop in question along with other shops to be conducted on 03-03-2007. It is further stated that the petitioner has no objection for conducting auction, but, however, before passing the order in the said pending O.A., she cannot be evicted.

Having regard to the facts and circumstances, the writ petition is disposed of holding that the auction in respect of shop No.4, which was held on 03-03-2007 or to be held, will be subject to the result of the order that may be passed in O.A.No.81 of 2006 on the file of the 1st respondent. There shall be no order as to costs.

05-03-2007

Prv